

HOUSE BILL 3076

By McCord

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 5, Part 4, relative to background checks
for certain persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-413 (d), is amended by adding
the following new subdivision (5):

(5)

(A) For purposes of this subsection (d), a subcontractor who contracts
with a person, corporation or other entity that enters into or renews a contract
with a local board of education or child care program, as defined in this section,
shall be considered the same as the contractor and shall be responsible for
obtaining the criminal history record checks for the subcontractor and all
employees of the subcontractor that fall within the provisions of this subsection
(d).

(B) For purposes of this subsection (d), if there is a construction manager
method contract, or a multi-prime construction manager method contract with a
local board of education or child care program, as defined in this section, any
person, corporation or other entity compensated under such contract who comes
within the requirements of subdivision (d)(1), or that employs a person who come
within such requirements, shall be responsible for obtaining the criminal history
record checks for that person and each employee of that person covered by
subdivision (d)(1).

SECTION 2. Tennessee Code Annotated, Section 49-5-413, is further amended by designating the existing language of subdivision (d)(4) as subdivision (d)(4)(A) and by adding the following new subdivision (d)(4)(B):

(B) Nothing in subsection (d) is to be construed as imposing a new duty of care on any person, corporation or other entity coming within the provisions of this subsection (d), nor shall it be construed as establishing a new cause of action or basis for liability against any such person, corporation or other entity.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.